

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

STANLEY W. MCKINLEY,)	
)	
Petitioner,)	
)	
vs.)	Case No. 08-0499-CV-W-NKL-P
)	
DAVE DORMIRE,)	
)	
Respondent.)	

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI**

Petitioner, who is confined at Jefferson City Correctional Center in Jefferson City, Missouri, has filed pro se a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He seeks leave to proceed in forma pauperis as allowed under 28 U.S.C. § 1915. Having reviewed the record, the Court will grant petitioner provisional leave to proceed in forma pauperis, subject to modification by the United States District Court for the Eastern District of Missouri, where this action will be transferred.

Petitioner is challenging his 2003 convictions and sentences which were entered in the Circuit Court of St. Louis County, Missouri. St. Louis County is located in the Eastern District of Missouri. 28 U.S.C. § 105(a)(3). The Jefferson City Correctional Center is located within the Western District of Missouri. 28 U.S.C. § 105(b)(4). Pursuant to 28 U.S.C. § 2241(d), the Eastern District of Missouri and the Western District of Missouri have concurrent jurisdiction to hear this case.

When two districts have concurrent jurisdiction in a habeas corpus proceeding concerning a state prisoner, the district court in which the petition is originally filed may, in the exercise of its

discretion and in the furtherance of justice, transfer the case to the other district for hearing and determination. Id. 28 U.S.C. § 1404(a) also provides that a district court, for the convenience of the parties and witnesses and in the interest of justice, may transfer any civil action to any other district or division where it might have been brought.

Transfer of this action is appropriate for the following reasons: (1) petitioner's constitutional claims are based upon a judgement entered by the Circuit Court of St. Louis County, Missouri, which is in the Eastern District of Missouri; (2) the relevant records are in St. Louis County; and (3) if hearings are required in this case, the Eastern District of Missouri would be more convenient for witnesses.

Accordingly, it is so **ORDERED** that:

- (1) petitioner is granted provisional leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a);
- (2) this petition for a writ of habeas corpus is transferred to the United States District Court for the Eastern District of Missouri for all further proceedings; and
- (3) petitioner's motion for appointment of counsel (Doc. No. 4) is denied, without prejudice to reconsideration by the United States District Court for the Eastern District of Missouri.

/s/Nanette K. Laughrey
NANETTE K. LAUGHREY
UNITED STATES DISTRICT JUDGE

Jefferson City, Missouri,

Dated: July 16, 2008.